

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**SNYDER DEVELOPMENT COMPANY,**

**Plaintiff,**

**v.**

**Civil Action 2:18-cv-1274**

**Judge Algenon L. Marbley**

**Magistrate Judge Chelsey M. Vascura**

**AUTOZONE, INC., *et al.*,**

**Defendants/Third-Party Plaintiffs,**

**v.**

**FD GAHANNA OHIO AGLER ROAD, LLC,**

**Third-Party Defendant.**

**ORDER**

This matter is before the Court for consideration of Defendants/Third Party Plaintiffs, AutoZone, Inc.'s and AutoZone Development LLC's, ("Defendants") Refiled Unopposed Motion to Join Cincinnati Insurance Co. ("Cincinnati Insurance"). (ECF No. 33.) Defendants represent that Cincinnati Insurance insured the premises at issue in Plaintiff's breach of lease claim and that Cincinnati Insurance paid on an insurance claim filed by Plaintiff for alleged damage to the premises. As such, Defendants maintain that Cincinnati Insurance is a partial subrogee and a necessary party to this action. This Court previously denied without prejudice Defendants' original Motion to Join Cincinnati Insurance. (ECF No. 30.) Although the Court concluded that Cincinnati Insurance is a necessary party under Rule 19(a)(1)(B)(ii), Defendants had failed to indicate whether adding Cincinnati Insurance would deprive this Court of diversity jurisdiction, in which case the action would have to proceed without Cincinnati Insurance. In

the instant re-filed Motion, Defendants represent that joining Cincinnati Insurance as a plaintiff will not defeat jurisdiction because Cincinnati Insurance, like Plaintiff, is a citizen of Ohio for purposes of diversity jurisdiction and Defendants are citizens of Nevada and Tennessee. As such, and for the additional reasons set forth in this Court's prior Opinion and Order (ECF No. 30), Defendants' Motion is **GRANTED**. (ECF No. 33.) Plaintiff shall amend its Complaint to join Cincinnati Insurance as a plaintiff **WITHIN THWENTY ONE DAYS OF THE DATE OF THIS ORDER**.

**IT IS SO ORDERED.**

/s/ Chelsey M. Vascura  
CHELSEY M. VASCURA  
UNITED STATES MAGISTRATE JUDGE